

TREASON, SEDITION,
AND
REBELLION,
Fully and Impartially
CONSIDERED:
WITH
REMARKS
UPON THE
CASE
Of the Unhappy
Dr. CAMERON.

Pro Rege et Reipublica.

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AS nothing herein is intended to the Prejudice of the unfortunate Gentleman, who now lies under Condemnation, so it is hoped no Person will be so atrocious as to make any such Judgments. All that is hereby designed, is to set the Nature of his Crime in a true Light, and shew the Proceedings of Antiquity, as well as the Determination of our own Constitution on Facts of the like Nature : To which is adjoined, some Remarks on the Doctor's Case ; as candidly drawn

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drawn up as the Nature of the Subject will admit, without any View of interfering between him and the Royal Clemency, if he should be thought a proper Object.

Treason,

Treason, Sedition and Rebellion,

Fully and Impartially

CONSIDERED:

TREASON, *Sedition and Rebellion*, are Crimes of such a deep Dye, as to be held in the utmost Detestation and Abhorrence by all Nations; who have accordingly provided the most severe Punishments for such as shall be guilty of them. This is founded not only on the Regard of the *People*, for the Safety of their *Prince*, as knowing that Thousands of their own Lives are incomparable with his, on whom they all depend for Protection and Government; but is also established on the great Law of Self-Preservation: Being convinced, by every Observation in Nature, that when the Head is oppressed or destroyed, all the other Members of the Body suffer in Proportion, or become entirely annihilated. Thus it is the Security of the People, that

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is the very Bond which unites them in such a strict Harmony with their Prince; and occasions them to observe such Laws, and take such Measures for his Preservation, as they would for their own Safety, under any other Form of Government besides that of *Monarchy*.

As the Government of the *Israelites* was first a *Theocracy*, at the Promulgation of their Laws, there was not any particular Punishment awarded against *Treason*. But afterwards, when those People chose to be governed by *Monarchs*, they being arbitrary, punished that Crime according to their own Inclination: If the Sovereign was of a merciful Disposition, then perhaps, with Punishment, Fine, or such like: If inexorable and of a cruel Temper, then generally with Death. However, we read in sacred History*, that *Rebellion* is as the Sin of *Witchcraft*, or *Divination*: Though whether here be meant *Rebellion* against God, or that against *Sovereign Princes*, I shall leave to the Discussion of the Learned.

Amongst the *Romans*, the *Crimen læsæ Majestatis*, answerable to *High-Treason*, and also that called *Perduellio* or Rebellion, were generally punished with an exemplary severe Death. In the latter Case, indeed, the Criminal was allowed an Appeal to the People; but when convicted of the former, no such Favour was granted. And such has ever been the tender Regard of our Legislature for the Persons of the Kings of *England*, as well as for the Security of the whole Commonwealth, that altho' some Species of *High-Treason* be of a more heinous Nature than others, yet the Punishment inflicted by Law is the same for all Sorts, excepting for that of
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* 1 Sam. xv. 23.

clipping and coining of Money ; which though adjudged to be *High Treason*, yet as, before the Statute of the 25 *Edw. III.* the Criminal suffered only Drawing and Hanging, the Punishment has been permitted to remain the same to this Day. But in all other Kinds of *High-Treason*, the Award of Judgment is, that the Criminal be laid upon a Hurdle or Sledge, and drawn to the Gallows, there hanged by the Neck, presently cut down alive, his Entrails to be suddenly pulled out of his Belly, and burned before his Face ; then his Head to be cut off, his Body to be divided in four Parts ; and lastly, that the Head and Quarters of the Body be hung up, or impaled, where the King shall please to command.

This is the Judgment passed on all Persons found Guilty of *High-Treason* ; and what is inflicted on them, unless they be Peers of the Realm, or nearly related to them in Blood ; when the King usually extends so much Favour to the Criminal, as to indulge them in only being beheaded, with an Ax on a Block. Though besides this, the Traytor forfeits all his Lands and Goods whatsoever ; his Wife loses her Dowry ; his Children their Nobility, and all Right of inheriting from him or any other Ancestors.

It might be thought, that the Weight and Severity of this Punishment should deter Men from being guilty of the Crime, even though what is now inflicted, be not quite so dreadful, as that which was formerly used on the Occasion, as appears by our Law Books. “ A Man, (says *Stamford*, in his “ *Pleas of the Crown*, l. 3, c. 19.) that is a Traytor, convicted and attainted, hath his Judgment

“ to be drawn upon a Hurdle, from the Prison to
 “ the Place of Execution, as being unworthy to
 “ tread any more upon Mother-Earth; and that
 “ backward, with his Head downward, for that he
 “ hath been retrograde to natural Courses; after-
 “ ward to be hanged up by the Neck between Hea-
 “ ven and Earth, as being deemed unworthy of
 “ both; his Privy Parts are cut off, as being un-
 “ profitably begotten, and unfit to leave any Gene-
 “ ration after him; his Bowels and Entrails are to
 “ be burned, which inwardly had conceived such
 “ horrible Treason; then his Head cut off, that
 “ had imagined the Mischief.”

Now the Ends of Punishment are either for re-
 dressing the Party injured, and securing him for the
 future; or for the Amendment of the Person
 punished, and deterring others from committing a
 like Crime, through Fear of meeting with the same
 Reward. And though the Punishment inflicted for
 Crimes are different in most Nations, and in *Eng-
 land* are much different from those of other Coun-
 tries, as we naturally abhor Cruelty, yet the Seve-
 rity of the Judgment in Cases of *Highb-Treason*,
 shews in what an odious Light this Crime is regard-
 ed by the Laws of the Land.

Amongst the different Species of *Highb-Treason*,
 hardly any can be of a more heinous Nature than
 that which the old *Romans* called *Perduellio* or Re-
 bellion; and which the Lawyers define to be *Hostili
 Animo adversus Rempublicam esse*, or a committing
 Hostilities against the Commonwealth. But how
 much must their Guilt be heightened, who can
 commit such a Crime against a Prince, remarkable
 for his Justice, Wisdom, and Clemency; whose
 Justice

Justice makes him revered, his Wisdom admired, and his Clemency beloved by all his Subjects, who have their own Good and that of their Country at Heart? A Prince of such Intrepidity, that nothing can terrify him, but the Fears of doing any Injustice to his People: Who is always ready to correct Abuses in the State, or to redress any Grievances that may incur to his Subjects; and is not only willing so to do from his own innate Superiority of Wisdom and Clemency of Disposition; but is likewise fully enabled thereto, by the Power and Interest, which his numberless Virtues have procured him in the Affections of his People.

Strange it is! that the long and successful Reign of such an amiable Prince, in whose Favour there has also appeared frequent signal Interpositions of Providence, should not prevent wicked Men from sowing Discontents among their Fellow-Subjects, by vile Misrepresentations, or deter them from raising Sedition, by horrible Lyes and Slanders: Nay, nor keep them from entering into open *Rebellion* against him, and likewise against the religious and civil Rights of their Country.

But though this gives Astonishment to all considerate Persons, how much more amazing is it, that any one, professing himself to be a *Protestant*, should rashly venture to hazard his own Life, and the Ruin of his Family, to involve his native Country in all the Blood and Misery of a *Rebellion*, with no other View than to bring in a *Popish* Pretender to be the Guardian and Protector of a *Protestant* Church? The *Israelites* indeed, were once so foolish, as to desire to shake off the Government of a Person, who after a long Administration could
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appeal to them, *Whose Ox have I taken, or whose Ass have I taken?* But, nevertheless, we cannot find that they ever were so mad, as having a King of their own Religion, to venture upon hazarding all the Evils of a *Rebellion*, only to procure a Sovereign from among the *Philistines*.

When Men arrive at such an inconsiderate Height of Guilt, Madness and Folly, hardly any Measures can be entered upon to cure them, than such as are the most desperate; the Crime in this Case being committed not only against the Prince and Father of his People, but even against the People themselves; who, like dutiful Children, have agreed upon particular Laws for procuring and establishing Obedience to their common Father, in order the better to enable him to protect them in all their Rights, Liberties and Properties, one amongst another.

Was the Injury committed only personal against the Sovereign, *Clemency* indeed might interfere without any Objection from others; as it is certainly an illustrious Virtue, and, as *Seneca* observes, appears best in *Princes*, making their Power the more Comfortable to their Subjects. But then again, as the same Author justly takes Notice, nothing can more establish their Greatness, or procure them Affection in the Hearts of those they govern, than when they make the Good of the Publick their particular Care, and employ their Power for the Safety of the People. “ *Princes*, “ says he, are God’s Deputies upon Earth; and “ under the Government of one that makes the “ Preservation of the Welfare, Peace, Liberty and “ Tranquility of his Subjects, his sole and constant “ Care

" Care, no Man can be dearer to another, than such
 " a *Prince* must be to the whole Body of his Peo-
 " ple. Under him they have nothing to wish for
 " beyond what they enjoy, neither can any Thing
 " make their Felicity greater, unless it was made
 " perpetual, seeing there is no Liberty denied to
 " his Subjects, but that of destroying one an-
 " other."

Though this great Writer and excellent Mora-
 list, whom I have here quoted, lived in the Reigns,
 and under the Dominion of several of the most ar-
 bitrary *Roman* Emperors, especially that of the cruel
Nero; yet his just and equitable Notions of Go-
 vernment, and the Relation of Prince and People,
 is very surprising; and hardly applicable to any
 other Constitution, than what our own has been
 since the happy *Revolution*.

Again says he, " the *Prince*, in effect, is but the
 " Soul of the *Community*; as the *Community* is only
 " the Body of the *Prince*. It is no Wonder then,
 " if he become dear to his People, when the Com-
 " munity is wrapt up in him; and the Good of
 " the Body is as inseparable as the Body and the
 " Head, the one for Strength, the other for Coun-
 " cil. For what signifies the Force of the Body;
 " without the Direction of the Understanding?
 " While the *Prince* watches, his *People* take Rest,
 " his Labour preserves them in Ease and Quiet;
 " while in return, they guard him in Sleep, defend
 " him in the Field, and secure him against all
 " Conspiracies, by interposing their Bodies between
 " him and Danger. Nor is this unanimous Agree-
 " ment in *Love* and *Loyalty*, nor this heroic Zeal,
 " of abandoning themselves for the Safety of their
 Prince

“ Prince without Reason, it being the very Interest of the People themselves ; as Security on the one Side, is the Condition of Security on the other.”

What Answer can the most hardened *Rebel*, or invidious *Malecontent*, make to the following Question of my Author, so justly applicable to the glorious Reign of his present *Majesty*? “ Who, says he, would not frankly venture his Blood to serve a *Prince*, under whose Government, *Justice*, *Peace*, *Modesty* and *Dignity* flourish? under whose Influence Subjects grow rich and happy ; and whom Men look upon with as much Veneration, as they would do on the immortal Gods, were they capable of seeing them ; and consider him, when he is gracious and bountiful, and employs his Power to the Advantage of his Subjects, as the true Representative of the Almighty.”

I would ask any one if it has not been our present Monarch's especial Care, to protect us in all our Liberties both Civil and Religious ; to defend our Properties, to secure and promote our Trade and Commerce ; and not only this, but also to add to our Weight Abroad, by bravely taking on himself the Defence of the Liberties of *Europe*, whenever attacked ; and securing their Freedom by preventing their falling into the Hands of a rapacious, exorbitant and arbitrary Power ?

Are *Sedition*, *Rebellion* and *Treason*, the Return that this Justice, Equity and Candour merits ; or rather is it not the highest Ingratitude, to make this Return for such ample Benefits? *Ingratitude* is cer-

certainly one of the most venial Crimes, and ought to be punished accordingly; neither is there hardly any notorious Offence without a Mixture of this Vice: It disunites Mankind, and breaks the very Pillars of Society: Not to return Good for Good is very inhumane; but to return Evil for Evil is quite diabolical. Those that should concur in the Preservation of their Country, attempt to become the Destroyers of it; and when Inferiors take up Arms against their Masters, they think it Dignity to trample upon all Law and Government. Such was *Catiline*, whose Malice aimed not only at the Mastering, but even total Destruction of his Country; by calling in an inveterate and vindictive Enemy from beyond the *Alps*, to wreak their long thirsted-for Revenge, and to sacrifice the Lives of as many noble *Romans*, as might serve to answer and appease the Ghosts of the slaughtered *Gauls*. Is not this Case exactly parallel to what was transacted in the late Rebellion in *Scotland*, when those People attempted to destroy the Liberties of this Island, by inviting hither a *French* Army; by whose Swords they thought to make themselves Masters of this Kingdom?

The Cases of Treason, Sedition and Rebellion, are not, at this Juncture, to be viewed in the same Light as in former Times; when nothing more was intended thereby, than the dethroning one Monarch to set up, or restore another, of the same Branch and Family. But to view it in its true Colours at present, it is an Attempt to dethrone a merciful and gracious *Protestant* Prince, who has the Liberties of his Subjects entirely at Heart, who is content to govern according to Law, and in his Room to enthrone a *Popish* Pretender; who it is impossible
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should govern a Protestant Nation, but by arbitrary Power, who cannot have the least Regard for the Liberties of the People ; and whose very *Will* must be the sole Law by which they can expect to be mild. And not only this, but it is also endeavouring to deprive this Nation of all its civil and religious Liberties, to introduce *Popery*, and to annihilate the Properties of many, whose Fortunes arise from Church-Lands, or are vested in the publick Funds: And should the Fautors of Rebellion ever succeed in their Attempts (which God forbid) we must expect the one to be restored to the Monkish Drones, and the other to be wiped off with a Sponge, for Want of ready Specie to pay the Creditors. National Debts will not then be thought of, but only those Debts that have been contracted at *Rome*, and foreign Courts, for the Support of an exiled, proscribed Family ; which perhaps may amount to many more Millions, than what this Nation at present stands charged with, for the just Defence of its Liberties and Properties, so that by such a Change, instead of being eased from our present Debts (as some Partizans to the old Cause flatter us) we must naturally expect to find ourselves loaded with a much greater Number of new ones, to defray those Expences, that we never had any Hand in contracting.

Now I would fain ask of any Man in his Wits, what, in such a Case, must become of the *Balance of Power* in *Europe*, or the Weight of this Nation in the Scale ; or what indeed must become of the *Balance of Trade* (at present in our Favour) when we shall find ourselves so largely indebted to foreign Kingdoms ? And whether do not those, who have attempted to dethrone our present gracious Monarch,

narch, and have thereby laid Part of this *Island* Waste with Blood and Slaughter, and aimed at the Subversion of our civil and religious Liberties, do not they deserve to incur the Penalty prescribed by the Law on such Occasions ?

Amongst the antient *Romans*, even *Sedition* was punished by *Aquis & Ignis interdictio*, to all that should be convicted : That is, by prohibiting the Use of *Water* and *Fire*, two common Necessaries of Life, whereby the condemned Person was obliged to leave his Country, and consequently enter into Banishment, which some of our present Malecontents would think very hard to undergo, for their invidious Insinuations in *Coffee-Houses*, and other publick Places of Resort, against a Government, that even the mildest of the *Roman Cæsars* could not compare with.

These Authorities I had not introduced, was it not that our *Civil Law*, and that of all the Christian States in *Europe*, is founded upon the *Roman* Institutions and Decretals ; so that though the *Romans* amongst themselves had a Tradition, that they should rule for Eternity, the same is not to be entirely rejected ; as by their being the Founders of such admirable Laws, they are like, more or less, to govern Posterity to the End of the World.

But to return: Whoever examines the State of the Nation before the happy *Revolution*, or whoever compares our Commerce at that Time, to what it has been since, must needs be convinced of the Benefits we have received from that auspicious Juncture, and acknowledge our Obligations to that Race and Family, who so kindly lent their Assist-

ance to extricate us out of those Difficulties and unhappy Dilemmas into which we were then driven: And also, at the Risque of their Lives and Persons, have so graciously condescended to be our Protectors against all that attempt any Thing towards the Subversion of the Liberties of *Great-Britain*.

How many Families since that happy *Æra*, have been so enriched by Trade, Commerce, and Industry, as at this present Time to vie in Opulence, with what was formerly called the Prime of our Nobility; who sensible of the inestimable Advantage that *Liberty* procures to a trading Nation, have made no Difficulty since then, to inter-marry their Sons and Daughters of Honour, with the Children of Trade and Commerce.

However invidious some particular Clans in the *Highlands* of *Scotland*, or even any other Persons in that Kingdom, may be against the present happy Establishment, yet that Nation has certainly reaped inestimable Benefits since the *Revolution*. And though the Malecontents among them were pleased to stigmatize the Treaty of *Union* with the Appellation of the *Onion*, as if it were so harsh in their Noses, and so hot in their Mouths, and hard upon their Stomachs, that they could neither scent, palate, nor digest it; yet, by that very *Union*, was granted to them the Liberty of trading to all the *British* Plantations, equally as the Subjects of *England*: An Advantage which the *Scotch* have so well availed themselves of, as thereby to be at present in Possession of a greater Quantity of Land, and that better in Quality, in *America*, than what all *North-Britain* amounts to. Besides this, they have reaped the inestimable

estimable Benefit of having the Privilege of driving Sheep and Cattle, sending Corn, Coals, salted Fish, and all their Manufactures into *England*, free from Duties, Imposts, and Customs. And to the Glory of his present Majesty's Reign be it spoken, that they are now happily freed from *Slavery*, and the arbitrary tyrannical Power of *Superiors*, which they so long groaned under. This *Act of Deliverance* alone, deserves the strongest Returns of Fidelity and Acknowledgment from that Nation, to their Royal Preserver and his Successors. Much more might be said in Favour of the *Revolution*, but as the Theme is abundantly too copious for my Limits, I must wave it at present; and only observe, that such inexhaustible *Benefits* certainly merit a better Return than *Ingratitude*, especially from the *Scottish* Nation.

This Recapitulation of Things that are so well known, I had not undertaken, but only to set aside the Prejudices of some particular Persons, who may think the late Rebels were too hardly dealt with by the Government; as the unhappy Doctor *Cameron*, now under Sentence of Death, is likely to undergo the same Fate as many others of them, so long after that melancholy Affair being over. But whoever gives Attention to what has been before observed, will find, that his Misfortune is entirely occasioned by his own Rashness, Folly, and Presumption, especially as a Man of his Education, cannot be imagined to be so ignorant of the Laws of the Land, as many of those poor, illiterate, unhappy Wretches that have already suffered for the same Crime.

This Gentleman, it seems, is descended from a good Family in *Scotland*, where he exercised the
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Profession of a Physician; and in that Capacity, he attended the young *Italian* Adventurer during his late Abode in that Kingdom. He acknowledges himself to have been drawn into this unhappy Affair by a certain *Earl*, his Superior; nevertheless, it is certain, that he was assiduous in promoting the Cause he had taken in Hand to the utmost of his Power, and more like a Gentleman of the Sword, than one of the Gown. And though after the Battle of *Culloden*, he was so fortunate as to escape meeting the Reward of his Crime, by a lucky Flight, yet so much Notice was taken by the Government of his extraordinary Exertion of himself in this Commotion, that he was the first Person mentioned among the fugitive Rebels in the Bill of Outlawry and Attainder.

Notwithstanding his earnest Endeavours in Favour of the young *Pretender*; yet, upon his Flight Abroad, he, as well as many others of those deceived People, found such a cool Reception from his late Master, either in *France* or *Italy*, as obliged him to retire to *Liege* in *Flanders*, to procure Bread for himself and Family, by the Exercise of his Profession.

Here it seems he lived in Credit, and got Money apace; and had *Avarice* been his Passion, he might have fully gratified it. But his Failing was *Ambition*; and the ideal Conception of becoming Prime Physician, or perhaps somewhat greater, to an imaginary Prince, made him sacrifice all other Considerations thereto: Neither could the Love of his Wife and Children induce him to tarry where he was in Safety, he became so infatuated as to venture into *Scotland*, to visit some Friends who had formerly joined him in the old Cause.

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What his Views could be by this desperate Action, as he knew his Life to be forfeited if taken, I shall not pretend to ascertain, as I have not the least personal Acquaintance with him. But however, it must be remarked, that after he was apprehended, brought to the *Tower*, and proved at the Bar of the *King's-Bench*, to be the very individual Person intended and specified in the Act of Attainder, that, upon Sentence being pronounced against him, in his Plea for Time to settle his Affairs, and see his Family, he said, that he had nothing to take Care or dispose of, but a Wife and seven Children. Admitting this to be Fact, what Inducement could bring him into *Scotland* again, where he knew it was impossible for him to get his Bread publicly, unless it was with Intent to foment Disturbances; or what else could incite his Friends there, to give Notice of his being among them, they having already suffered so much for the same Madness, as he might be about to persuade them to renew afresh.

Some perhaps, may urge, that the abundant Mercy already shewn by our gracious Sovereign to those Delinquents, might be an Inducement to this unhappy Gentleman to return into this Kingdom, and trust to the Royal Clemency. But even so, was this a proper Manner of doing it; and should not he rather have prevailed with some of his Friends, previously to have interceded in his Favour, and have procured him a Pardon? Certainly a Man of his Rank and Profession could not be without Friends, even amongst those that were of loyal Principles, as I have heard his private Character very much commended. But to fly in the Face of Justice, in such a hot inconsiderate Manner,
without

without reflecting that even a gracious Prince is armed as well as a Tyrant, though the one be for the Defence of the People, and the other for the Ruin of them, is such an arrogant Act, as can hardly admit of any Excuse: Without urging his Intoxication, in sacrificing a Wife and seven Children to ambitious Views, and sinister and traitorous Purposes.

As I do not doubt but this unhappy Gentleman is at present fully convinced of the Heinousness of his Guilt, as well as the Folly of his late Proceeding, I shall say no more of it; but only desire it may be remarked, that, as I before declared, I have not the least personal Acquaintance with him, nor any of his Family; neither have I advanced any Thing herein purposely to do him Prejudice, or any Ways to interfere between him and the Royal Clemency: But only to set aright the Minds of some inconsiderate Persons, who may judge too rashly upon this Affair; and from thence, perhaps, be induced to scatter such Reflexions, as Malice always furnishes to an invidious Breast.

Should it be thought fit to make him an Example of *Justice*, to a People whose Tranquility he had disturbed, and whose Properties he had endangered; I shall be one of the first to commiserate the Misfortune of a Man of his Sense and Character, being drawn aside into such a disastrous Affair. But should the Royal Breast decree him an Object of *Mercy*, none would more sincerely rejoice at such an Indulgence than myself; as, by what I have heard of him, I have the greatest Reason to hope he would return the Favour, by the sincerest Attachment, and most dutiful Behaviour for the future;

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as certainly no Man, both upon Conviction and Convincement, can be so hardened in his Follies as to pretend not seeing them, by shutting his Eyes against the Sun at Noon-Day. All which must be referred to that superior Wisdom and Power, which has the sole Right of determining on this Affair.

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